



13281 U.S. PTO

Box: PATENT APPLICATION

ASA-1090-02

22859 U.S. PTO
10/820698



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Accompanying Continuation Application under
37 CFR 1.53(b):

Prior Application: APPLICANTS: M. SATO et al.
Serial No. 10/226,155
Filed: August 23, 2002

Group Art: 2857
For: PERFORMANCE CONTROL APPARATUS AND METHOD FOR DATA
PROCESSING SYSTEM

REQUEST FOR CONTINUATION APPLICATION
UNDER 37 C.F.R. 1.53(b)

Box: Patent Application
Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is a request for filing a continuation application
under 37 C.F.R. 1.53(b) of pending prior application Serial
No. 10/226,155 filed August 23, 2002, entitled PERFORMANCE
CONTROL APPARATUS AND METHOD FOR DATA PROCESSING SYSTEM by all
of the inventors named in the prior application.

1. Enclosed is a copy of the prior application, as
originally filed.

2. The Filing Fee is calculated below:

CLAIMS AS FILED IN THE PRIOR APPLICATION
LESS ANY CLAIMS CANCELED BY AMENDMENT BELOW
PLUS ANY CLAIMS ADDED BY ACCOMPANYING PRELIMINARY AMENDMENT

Basic Fee

\$ 770.00



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| | | | | | | | | | | |
|--------------------|----|---|----|---|---|---|----|---|----|--------|
| Total Claims | 10 | - | 20 | = | 0 | x | 18 | = | \$ | 0.00 |
| Independent Claims | 2 | - | 3 | = | 0 | x | 86 | = | \$ | 0.00 |
| Total Filing Fee | | | | | | | | | \$ | 770.00 |

3. A Credit Card Payment Form including the amount of \$770.00 is enclosed to cover the Filing Fee.

4. The Commissioner is hereby authorized to charge any additional fees which may be required, or to credit any overpayment, to Deposit Account No. 50-1417.

5. Amend the specification by inserting, before the first line:

--This is a continuation application of U.S. Serial No. 10/226,155, filed August 23, 2002.--

7. New formal drawings are enclosed, nine (9) sheets, Figs. 1-10. The drawings are the original drawings approved in the prior application.

8. The power of attorney is set forth in the Declaration in the prior application or an associate power of attorney is hereby granted to:

Jeffrey M. Ketchum, Registration No. 31,174
Shrinath Malur, Registration No. 34,663
John R. Mattingly, Registration No. 30,293
Daniel J. Stanger, Registration No. 32,846
Gene W. Stockman, Registration No. 21,021.

Please associate this application with Customer No. 24956.

There is no change in the correspondence address.


Address all future correspondence to:

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9. The prior application is assigned to HITACHI, LTD.

10. Priority of Japanese patent application No. 2001-276730 filed September 12, 2002 is claimed under 35 U.S.C. § 119. The certified priority document has been filed in the parent application.

The undersigned hereby declares that no matter contained in the specification, including the claims, and drawings filed in the present continuation application would have been new matter in the prior application, as originally filed on August 23, 2002.



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Attorney for Applicants

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Date: April 9, 2004

ASA-1090
W0620-01EO

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